

S/N 10/537,708
In reply to the Office Action dated April 14, 2010

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

Independent claim 1 has been amended and is supported in the specification at, for example, FIGs. 5 and 6. Dependent claim 14 has been amended and is supported in the specification at, for example, FIG. 4. Dependent claims 19 and 23 have been amended to further clarify the features. Claims 18 and 24 have been canceled without prejudice or disclaimer. No new matter is added.

Double Patenting

Claims 1-12, 14-19, and 21-24 have been rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-12 of U.S. Patent No. 7,651,595.

Claim 1 has been amended and the newly added limitations are not found in the claims of U.S. Patent No. 7,651,595. Therefore, the double patenting rejection is no longer applicable and it is requested that the rejection be withdrawn.

35 USC § 102 Rejections

Claims 1-4, 19 and 24 have been rejected under 35 USC 102(b) as being anticipated by Kawanaka et al. (WO 99/05516 and English translation US 6,599,406) with further evidence provided by Oura et al. (US 2006/0042942) and Neel et al. (US 6,743,635). Applicants respectfully traverse the rejection.

Claim 1 is directed to an analytical tool to be mounted to an analytical apparatus which includes a plurality of terminals and an analysis circuit. The disturbing-noise countermeasure electrode includes a first exposed end located adjacent to the second end edge of the substrate, a first main line portion extending from the first exposed end portion toward the first end edge of the substrate along the first longitudinal edge of the substrate, a second main line portion extending from the first main line portion toward the second longitudinal edge of the substrate along the second end edge of the substrate, and third main line portion extending from the second main line portion toward the

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second end edge of the substrate along the second longitudinal edge of the substrate. The working electrode includes a second exposed end located adjacent to the second end edge of the substrate and extends from the second exposed end toward the first end edge of the substrate between the first and third main line portions of the disturbing-noise countermeasure electrode. The disturbing-noise countermeasure electrode includes a noise inputting exposed portion for allowing input of static electricity.

Kawanaka discloses a test strip 141 having a positive terminal 117 and a negative terminal 119 formed along the direction orthogonal to the set direction I (col. 12, lines 61-63 and Fig. 5). As can be seen in Fig. 5, the lead from the negative terminal 117 terminates at the reagent portion 142 such that the lead extends from the negative terminal 117 and terminates at what could be considered to be the first end edge. Kawanaka does not disclose a disturbing-noise countermeasure electrode having a first main line portion along a first longitudinal edge of the substrate, a second main line portion that extends from the first main line portion toward a second longitudinal edge of the substrate along the first end edge, and a third main line portion that extends from the second main line portion toward the second end edge along the second longitudinal edge of the substrate as required in claim 1.

In addition, Kawanaka discloses that the lead from the positive terminal 117 is generally parallel to the lead from the negative terminal 119 and is not positioned such that it is between the first and third main line portions of the disturbing-noise countermeasure electrode since Kawanaka does not teach or suggest a third main line portion extending from the second main line portion toward the second end edge of the substrate along the second longitudinal edge of the substrate as required in claim 1.

Further, Kawanaka does not disclose a noise inputting exposed portion.

Kawanaka discloses in Fig. 6, a test strip 145 that is not measurable with the measuring apparatus shown in Fig. 4 since the test strip 145 acts to shortcircuit the type judgment electrode 104 and negative electrode 103 of the measuring apparatus (col. 13, lines 1-64). The test strip 145 is shown by Kawanaka to illustrate the distinction between the specific configuration of the Fig. 5 positive electrode 117 in relation to the specific configuration of the Fig. 6 negative electrode 146 and not for discharging static electricity. The electrodes of Kawanaka are thus different than the claimed end 22Aa of the counter

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electrode 22 which extends further than the end 21A of the working electrode 21 such that the end 22Aa contacts a terminal of the measuring device earlier than the end 21, thus discharging static electricity. Therefore, there is no need for and Kawanaka does not provide or teach a noise inputting exposed portion for allowing input of static electricity as required in claim 1.

Neel does not teach or suggest a noise inputting exposed portion as required in claim 1. Nor does Neel teach or suggest a third main line portion extending from the second main line portion toward the second end edge of the substrate along the second longitudinal edge of the substrate as required in claim 1.

Oura does not teach or suggest a third main line portion extending from the second main line portion toward the second end edge of the substrate along the second longitudinal edge of the substrate as required in claim 1.

Therefore, none of Kawanaka, Neel or Oura teaches or suggests the features of claim 1 and the rejection should be withdrawn.

Claims 2-4 and 19 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejections of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

The rejection of claim 24 is moot due in view of the cancellation of the claim. The rejection of this dependent claim should be withdrawn. Applicants do not concede the correctness of the rejection.

Claims 11-12 and 14-18 have been rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Kawanaka et al. (WO 99/05516 and English translation US 6,599,406) with further evidence provided by Oura et al. (US 2006/0042942) and Neel et al. (US 6,743,635). Applicants respectfully traverse the rejection.

Claims 11-12 and 14-18 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejection of these dependent claims should be withdrawn. Applicants do not concede the relevance of the references to these claims.

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Moreover, claim 14 requires that the disturbing-noise countermeasure electrode further includes an island provided directly below the air vents and partially covered by an insulating film, and the insulating film includes an opening for partially exposing the island to serve as the noise inputting exposed portion. This structural feature is not taught or suggested by Kawanaka, Oura or Neel. Therefore, claim 14 is further removed from the reference.

Claims 1-12, 17-19 and 24 have been rejected under 35 USC 102(e) as being anticipated by Neel et al. (US 6,743,635) with further evidence provided by Oura et al. (US 2006/0042942). Applicants respectfully traverse the rejection.

Claim 1 is allowable for at least the same reasons as discussed for claim 1 above. Specifically, Neel does not teach or suggest a noise inputting exposed portion and neither Neel nor Oura teach or suggest third main line portion extending from the second main line portion toward the second end edge of the substrate along the second longitudinal edge of the substrate as required in claim 1. Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 2-12, 17 and 19 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejection of these dependent claims should be withdrawn. Applicants do not concede the relevance of the references to these claims.

35 USC § 103 Rejections

Claims 5-10 have been rejected under 35 USC 103(a) as being unpatentable over Kawanaka et al. (WO 99/05516 and English translation US 6,599,406) in view of Neel et al. (US 6,743,635) with further evidence provided by Oura et al. (US 2006/0042942). Applicants respectfully traverse the rejection.

Claims 5-10 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejection of these dependent claims should be withdrawn. Applicants do not concede the relevance of the references to these claims.

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Claims 14-16 have been rejected under 35 USC 103(a) as being unpatentable over Neel et al. (US 6,743,635) in view of Miyazaki et al. (WO 01/36953 and English translation US 6,875,327). Applicants respectfully traverse the rejection.

Claims 14-16 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejection of these dependent claims should be withdrawn. Applicants do not concede the relevance of the references to these claims.

Claim 21 has been rejected under 35 USC 103(a) as being unpatentable over Neel et al. (US 6,743,635) in view of Rappin et al. (US 6,572,745). Applicants respectfully traverse the rejection.

Claim 21 is allowable at least by virtue of its dependence on independent claim 1. The rejection of these dependent claims should be withdrawn. Applicants do not concede the relevance of the references to this claim.

Claims 22-23 have been rejected under 35 USC 103(a) as being unpatentable over Neel et al. (US 6,743,635) in view of Rappin et al. (US 6,572,745) as applied to claim 21 above, and further in view of Yoshioka et al. (US 6,264,103) and Winarta et al. (US 6,287,451). Applicants respectfully traverse the rejection.

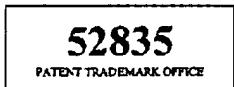
Claims 22-23 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejection of these dependent claims should be withdrawn. Applicants do not concede the relevance of the references to these claims.

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Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

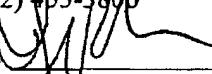
Respectfully submitted,



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HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By:


Douglas P. Mueller
Reg. No. 30,300
DPM/lif